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8 Attorney for Debtors

9
10 UNITED STATES BANKRUPTCY COURT
11
12 NORTHERN DISTRICT OF CALIFORNIA

13
14 In re: Case No. 10-14154
15 Douglas Duell Chapter 13
16 Debtor
17 Douglass Duell Plaintiff
18 Bank of America Defendant

19 / AP No 10-01155

20 REQUEST FOR ENTRY OF DEFAULT JUDGMENT VALUING LIEN OF BANK OF

21 AMERICA AT \$0 AND AVOIDING LIEN UPON DISCHARGE

22 On November 11, 2010 Debtor filed an adversary proceeding to value and avoid the
23 junior lien held by Defendant Lienholder Bank of America which affects 16744 Glenda Drive,
24 Guerneville, CA 95446 (APN 071-120-034-000), which lien was recorded in the Sonoma
County Recorder's Office on or about 9/02/2004 as document 2004135883 (hereinafter the Lien).
At a hearing on May 23, 2011, Defendant Lienholder Bank of America did not appear, and the
court entered Defendant Lienholder's default. Therefore, Plaintiff Debtor requests that the court
grant the attached proposed order and judgment.

25 Date: June 13, 2011 /s/ Evan Livingstone
26
27 Evan Livingstone
28 Attorney for Debtor

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16 Douglass Duell Plaintiff
17 Bank of America Defendant
18 _____/ AP No **10-01155**

19 PROPOSED ORDER AND JUDGMENT VALUING LIEN AS \$0

20 AND AVOIDING LIEN UPON DISCHARGE OF DEBTOR

21 On November 11, 2010 Debtor filed a complaint to value the lien of Bank of America
22 (hereinafter Lienholder) against the property commonly known as 16744 Glenda Drive,
23 Guerneville, CA 95446, Sonoma County AP #071-120-034-000, which lien was recorded in the
24 Sonoma County Recorder's Office on or about 9/02/2004 as document 2004135883 (hereinafter
the Lien).

25 At a hearing on May 23, 2011, Defendant Lienholder Bank of America did not appear,
26 and the court entered Defendant Lienholder's default. Therefore, the court hereby orders as
27 follows.

(1) For purposes of Debtor's chapter 13 plan only, the Lien of Bank of America is valued at zero, does not have a secured claim, and the Lien may not be enforced, pursuant to 11 U.S.C. §§ 506, 1322 (b)(2) and 1327.

(2) This order shall become part of Debtor's confirmed chapter 13 plan.

(3) Upon entry of a discharge in Debtor's chapter 13 case, the Lien shall be voided for all purposes, and upon application by Debtor, the court will enter an appropriate form of judgment voiding the Lien.

(4) If Debtor's chapter 13 case is dismissed or converted to one under another chapter before Debtor obtains a discharge, this order shall cease to be effective and the Lien shall be retained to the extent recognized by applicable non-bankruptcy law, and upon application by the lienholder, the court will enter an appropriate form of order restoring the Lien.

(5) Except as provided by separate, subsequent order of this court, the Lien may not be enforced so long as this order remains in effect.

** END OF ORDER **

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17 Plaintiff
18 Bank of America
19 Defendant

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21 CERTIFICATE OF SERVICE

22 I hereby certify that on June 13, 2011, pursuant to BR Local Rule 9014-1(b)(4), a copy of
23 above REQUEST FOR ENTRY OF DEFAULT JUDGMENT VALUING LIEN OF BANK OF
24 AMERICA AT \$0 AND AVOIDING LIEN UPON DISCHARGE as well as a copy of Debtor(s)
PROPOSED ORDER ON MOTION TO VALUE LIEN OF SECURED CREDITOR AS \$0
AND AVOID LIEN ON DISCHARGE, was served, to the United States Trustee and the Chapter
13 Trustee, electronically and to the creditor listed below by first-class mail.

Brian T. Moynihan, CEO and President
c/o Benjamin Nachimson
Law Offices OF Benjamin Nachimson
11755 Wilshire Boulevard, Fifteenth Floor
Los Angeles, California 90025

Date: June 13, 2011 /s/ Evan Livingstone
24 Evan Livingstone